

REMARKS

Claims 1 through 20 are pending in this application.

Claim 1 has been amended.

Claims 2 and 3 have been canceled without disclaiming their subject matter.

Claim 21 has been added with the exclusionary proviso, and claim 22 directed to a photoluminescence quenching device has been added.

No new matter has been added.

In the Office action (Paper No. 20060119), the examiner did not acknowledge the receipt of the drawings originally filed on 5 December 2003. The acknowledgement of the acceptance of the drawings is respectfully requested.

I. Claims Rejections – 35 USC §102

Claims 1-3, 5-10, 14 and 16-17 stand rejected under 35 U.S.C. 102(b) as being anticipated by Ichimura et al., U.S. Patent Number 6,337,167.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim."

Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

See MPEP 2131.

1. Claims 5, 10 and 16

Here, the examiner's rejection under 35 U.S.C. 112 on claims 5, 10 and 16 are not proper for the following reasons.

With respect to claim 5, claim 5 in the instant application is not anticipated by Ichimura et al. '167. In Ichimura et al. '167, R⁶⁶ in Formula (11) is methyl, ethyl, propyl or butyl, whereas Formula 1a of claim 5 in the instant application is unsubstituted triphenyl. Since the identical invention is not shown in as complete detail as is contained in claim 1, the examiner's rejection is not proper.

With respect to claim 10, it should be noted that claim 10 depends from claim 9. The examiner stated that claim 9 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Since claim 10 depends from claim 9, claim 10 is also patentable.

With respect to claim 16, claim 16 reads as "A photoluminescence quenching device, comprising the chemical compound of claim 1." Ichimura et al. '167 teaches only the organic electroluminescent devices in Figs. 32 to 35 using the compound, e.g., of Formula (11). These are not the same as "photoluminescence quenching device." Therefore, claim 16 is not anticipated by Ichimura et al. '167.

2. Claim 1

Claim 1 has been amended to exclude the Formula (11) of Ichimura et al. '167.

Since Formula (11) of Ichimura et al. '167 is not within the scope of claim 1 as amended, claim 1 is not anticipated by Ichimura et al. '167.

3. Claims 4-20

The applicant stated why claim 1 is patentable. Since claims 4-20 depend from claim 1, claims 4-20 are also patentable.

For the foregoing reasons, withdrawal of the rejection is respectfully requested.

II. Claim objections

Claims 4, 9, 12-13 and 15 were objected to as being dependent upon a rejected base claim, but the examiner stated that claims 4, 9, 12-13 and 15 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 11 and 18-20 were not listed in the Office action. In view of the explanation in the Office action, it is assumed that claims 11 and 18-20 were objected to as being dependent upon a rejected base claim because the examiner stated that the subject matter of claim 11 is not disclosed in the prior art (see pages 3-6 of the Office action) and the subject matter of claim 18 is

not disclosed in the prior art (see pages 9-11 of the Office action). Claims 19 and 20 depend from claim 18.

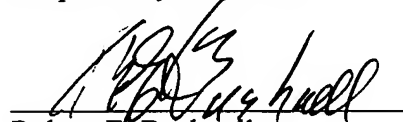
As stated above, claim 1 as amended is patentable, and its dependent claims 4, 9, 11-13, 15 and 18-20 are also patentable.

Therefore, withdrawal of the objections is respectfully requested.

No fee is incurred by this Amendment.

In view of the above, all claims are submitted to be allowable and this application is believed to be in condition to be passed to issue. Reconsideration of the rejections is requested. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

Respectfully submitted,



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